

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TYSHON MALEKE HARMON,

Plaintiff,

v.

DOCTOR RICHARD MACK, et al.,

Defendants.

No. C 10-4053 LHK (PR)

ORDER GRANTING
EXTENSION OF TIME FOR
PLAINTIFF TO LOCATE
UNSERVED DEFENDANTS

(Docket No. 61)

Plaintiff, a state prisoner proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On July 29, 2011, the Court advised Plaintiff that it was his responsibility to provide the Court with information necessary to locate Defendants Kachare, Remington, Bowman, Rodriguez and Moses. In that Order, the Court directed Plaintiff to provide sufficient information within thirty days to effectuate service, or face dismissal of Defendants Kachare, Remington, Bowman, Rodriguez and Moses. *See* Fed. R. Civ. P. 4(m). The Court also instructed the Clerk to update Plaintiff's address.¹

On August 12, 2011, Plaintiff filed a motion for extension of time to locate unserved Defendants. Cognizant that Plaintiff is incarcerated, filed a timely motion for extension of time,

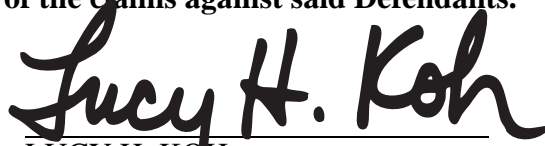
¹ The Court initially directed Plaintiff to locate unserved Defendants in an order dated May 24, 2011. However, as the July 29, 2011 order indicates, the first order was returned to the Court as undeliverable due to the Clerk's error in updating Plaintiff's address.

1 and has not previously asked for an extension of time, his motion is GRANTED. Plaintiff is
2 advised that a further request for an extension of time will not be granted absent a demonstration
3 of good cause. *See* Fed. R. Civ. P. 4(m); *Oyama v. Sheehan (In re Sheehan)*, 253 F.3d 507,
4 511–12 (9th Cir. 2001) (setting forth the standard of review and discussing factors to establish
5 good cause); *Boudette v. Barnette*, 923 F.2d 754, 755–56 (9th Cir. 1991) (holding that good
6 cause means, at a minimum, excusable neglect).

7 Accordingly, **within thirty days** of the filing date of this order, Plaintiff must provide the
8 Court with accurate and sufficient information for Defendants Kachare, Remington, Bowman,
9 Rodriguez, and Moses such that the Marshal is able to effect service upon them. **Failure to**
10 **provide the Court with this information within thirty days of the date this order is filed will**
11 **result in the dismissal without prejudice of the claims against said Defendants.**

12 IT IS SO ORDERED.

13 DATED: 9/19/11


LUCY H. KOH
United States District Judge